THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P No. 20738 of 2006

O r d e r:

Assailing the action of the respondents in not considering the candidature of the petitioners for recruitment to the posts of Conductors in Medak District, by giving recruitment notifications in the local news additions of Medak District, as bad, arbitrary, illegal and contrary to APSRTC Regulations, and consequently to direct the respondents to consider the candidature of the petitioners for recruitment to the posts of Conductors in Medak District/Region, the petitioners filed the present writ petition.

The petitioners are unemployed youth. They are not the local residents of Medak District/Region, and alleging that the recruitment notification issued by the respondents in local editions of Medak District/Region, for filling up the posts of Conductors, barred them from consideration of their cases, they filed the present writ petition praying for the relief stated supra.

The learned counsel for the petitioners submits that the action of the respondents in issuing the notification for recruitment to the posts of Conductors in local editions of Medak and restricting the recruitment to persons, who are only residents of Medak District/Region, is contrary to Regulation 8(4) of the APSRTC Employees' Recruitment Regulations as also the judgment of a Division Bench of this Court in W.A. No. 741 of 1999, dated 09.06.1999.

The learned Standing Counsel for the respondents-APSRTC reiterating the stand taken by the respondents in the counter-affidavit submitted that in the matter of issuing notification, they have followed

the instructions issued by the respondents in Circular No. PD-10/1999, dated 28.01.1999, by notifying through advertisement and to the Employment Exchange. Though the recruitment notification was issued for filling up the posts of Conductors in Medak District/Region, the recruitment notification, nowhere stated that only candidates belonging to Medak Region are eligible to apply and candidates other than those belonging to Medak are not entitled to apply. In fact, candidates belonging to other Districts also have applied, and some of them even attended the interview. It is not merely in respect of Medak District/Region that notification was issued, while issuing notifications in respect of vacancies arising in Medak District/Region, notifications were issued in other Districts also in respect of the vacancies that have arisen in those Districts. He submitted that the recruitment is not confined merely to persons residing in Medak District/Region, but person living all over the State are entitled to apply. He submitted that in all 4,126 applications were received by the respondents, and interviews for selection was made on 04.10.2006 and 05.10.2006, and but for the interim orders of this Court, the results have not been declared, and prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The contention of the petitioners that the recruitment notification, issued by the respondents for filling up the posts of Conductors in Medak District/Region, restricted the recruitment only to candidates belonging to Medak District/Region, cannot be accepted. A reading of the recruitment notification would indicate that the notification does not say that candidates belonging to Medak District/Region alone are entitled to apply. It does not bar candidates belonging to

Districts/Regions other than Medak District/Region from applying. This apart, it is the case of the respondents that in terms of Regulation 8(1) of the APSRTC Employees' Recruitment Regulations, 1966, all citizens of India are entitled to apply. Further, it is the specific case of the respondents and is evident from the records produced by them, that in respect of the vacancies notified in Medak District/Region, candidates belonging to other Districts/Regions also applied, and in fact, they have also interviewed such of those candidates. Such being the case of the respondents, the petitioners cannot be allowed to contend that the impugned recruitment notification, issued by the respondents, restricted the recruitment to candidates belonging to Medak District/Region.

It is the contention of the petitioners that the recruitment is violative of Regulation 8(4) of the APSRTC Employees' Recruitment Regulations, 1966. To consider this contention, it would be appropriate to extract Regulation 8(4) of the Regulations, which reads:

> Other things being equal, preference shall be given to a candidate who domiciled in the State of AP and who is conversant with atleast one of the regional languages.

Regulation 8(4) merely states that if other things are equal, namely the eligibility criteria, then preference shall be given to a candidate who is domiciled in the State of Andhra Pradesh and who is conversant with atleast one of the regional languages. Since it is the specific case of the respondents, as is evident from the counter, they are not insisting for production of nativity certificate stating that the candidate who intends to apply should be a native of Medak District/Region. Since the respondents are not insisting for production of nativity certificate for applying, the petitioners cannot be allowed to contend that the impugned recruitment notification, issued by the respondents is violative of the provisions of

Regulation 8(4) of the Regulations, and more so when the stand taken by the respondents in their counter shows that the recruitment is open to all citizens of India, who satisfy the eligibility criteria.

May be, the respondents have published the local editions of Medak District/Region, but that by itself does not mean that the respondents have restricted the recruitment only to candidates belonging to Medak District/Region. As the vacancies arose in Medak District/Region, the respondents published the recruitment notification, in the local editions of Medak District/Region, and more so when it is the normal practice of the respondents to issue notifications in the local editions of the Districts/Regions, where the vacancies arise.

The contention of the petitioners that in the issuance of the impugned notification, the respondents have violated the judgment of the Division Bench of this Court in W.A. No. 741 of 1999, dated 09.06.1999, cannot be accepted. The Division Bench of this Court in W.A. No. 741 of 1999, reiterated the law laid down by a learned single Judge of this Court in **G. Srinivas v. Regional Manager, APSRTC, Nalgonda**[1], wherein it was held that the respondent-Corporation had no legal authority to limit the recruitment only to candidates belonging to a region of the State in which the posts/vacancies arise, and that such course of action is in the circumstances is not only violative of extant regulations of the Corporation, but also violative of Article 14 of the Constitution of India. In the instant case, as stated above, it is not the case of the respondents that the recruitment notification is limited only to candidates belonging to Medak District/Region, but on the other hand, it is their specific case that the recruitment is open not only to the candidates belonging to Districts/Regions other than Medak District/Region, where the vacancies have arisen, but is open to all the citizens of India, as provided under Regulation 8(1) of the

Regulations. When it is the specific case of the respondents that the recruitment is open to all the citizens of India, and as is evident from the record produced by the respondents, which showed that candidates belonging to Districts/Regions other than Medak District/Region had applied and also were interviewed, the petitioners cannot be allowed to contend that the recruitment notification is violative of the judgment in W.A. No. 741 of 1999, dated 09.06.1999.

For the foregoing reasons, I find no merit in the writ petition, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Dated: 30th November, 2006.
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[1] (1998) 6 ALD 9